

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:	
	:	19 Civ. 9439 (PKC)
Plaintiff,	:	
	:	ECF Case
-against-	:	
	:	Electronically Filed
TELEGRAM GROUP INC. and TON ISSUER	:	
INC,	:	
	:	
Defendants.	:	
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**DECLARATION OF CHRISTOPHER P. MALLOY**

I, Christopher P. Malloy, declare under penalty of perjury that the following is true and correct:

1. I am a member of Skadden, Arps, Slate, Meagher & Flom LLP ("Counsel"), attorneys for the Defendants in the above captioned action. I am an attorney duly admitted to practice before this Court.

2. I respectfully submit this declaration in Opposition to Plaintiff's Motion for Summary Judgment and to transmit true and correct copies of the following documents:

- |            |                                                                                                                            |
|------------|----------------------------------------------------------------------------------------------------------------------------|
| Exhibit 1: | Excerpts of the deposition transcript of Pavel Durov, taken by Plaintiff in this litigation between January 7 and 8, 2020. |
| Exhibit 2: | Excerpts of the deposition transcript of Ilya Perekopsky, taken by Plaintiff in this litigation on December 15, 2019.      |
| Exhibit 3: | Excerpts of the deposition transcript of Shyam Parekh, taken by Plaintiff in this litigation on December 10, 2019.         |
| Exhibit 4: | Exhibit 41 of the deposition of Pavel Durov, taken by Plaintiff in this litigation between January 7 and 8, 2020.          |
| Exhibit 5: | A January 12, 2018 email, produced by Plaintiff in this litigation with the starting Bates stamp of [REDACTED]             |

- Exhibit 6: An October 30, 2019 email, produced by Defendants in this litigation with the starting bates stamp TLGRM-029-00000077.
- Exhibit 7: A certified translation of a chat log between Ilya Perekopsky and Pavel Durov, produced by Defendants in this litigation with the starting bates stamp of TLGRM-031-00000001.
- Exhibit 8: A January 8, 2019 email, produced by Defendants in this litigation with the starting bates stamp of TLGRM-023-00000102.
- Exhibit 9: A January 11, 2020 email from Shyam Parekh to a purchaser, produced by Defendants in this litigation with the starting bates stamp of TLGRM-022-00000002, and a January 2020 letter from Defendants to a purchaser, produced by Defendants in this litigation with the starting bates stamp of TLGRM-022-00000003.
- Exhibit 10: A January 14, 2020 letter from a purchaser to Defendants, produced by Defendants in this litigation with the starting bates stamp of TLGRM-029-00000176.
- Exhibit 11: A June 26, 2018 invoice from a purchaser to Defendants, produced by Defendants in this litigation with the starting bates stamp of TLGRM-020-00000005.
- Exhibit 12: An October 25, 2019 email from Counsel to Plaintiff.
- Exhibit 13: A November 28, 2019 Twitter message published by Telegram Messenger publicly available at:  
<https://twitter.com/telegram/status/1199958819566174209?s=20>.
- Exhibit 14: A June 22, 2018 agreement between Defendants and a purchaser, produced by Defendants in this litigation with the starting bates stamp TLGRM-015-00001263.
- Exhibit 15: A March 6, 2019 email from a purchaser to Shyam Parekh, produced by Defendants in this litigation with the starting bates stamp TLGRM-005-000041897, and a February 20, 2019 letter from the purchaser's auditor to Telegram, produced by Defendants in this litigation with the starting bates stamp TLGRM-005-00004189.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: New York, New York  
January 21, 2020



Christopher P. Malloy